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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

VICTORIA MONSCH, on behalf of herself
and all others similarly situated,

Plaintiff,

v.

DREAMLAND BABY CO.,

Defendant.

Case No. 3:24-CV-02996-CRB

Related Case Nos.:

3:24-CV-03379-CRB

3:24-CV-03406-CRB

3:24-CV-03763-CRB

**STIPULATION AND ~~[PROPOSED]~~
ORDER TO CONSOLIDATE RELATED
CASES**

Judge: Hon. Charles R. Breyer

1 Plaintiffs Victoria Monsch, Megan Fehrenbach, Tuliisa Miller, and Haley Muse
2 (collectively, “Plaintiffs”) and Defendant Dreamland Baby Co. (“Defendant”) (together, the
3 “Parties”), through their respective counsel, stipulate as follows:

4 WHEREAS, there are four (4) related proposed class actions pending in the Northern District
5 of California before the Honorable Charles R. Breyer: *Monsch v. Dreamland Baby Co.*, No. 3:24-
6 CV-02996-CRB (the “*Monsch* Action”), *Miller v. Dreamland Baby Co.*, No. 3:24-CV-03379-CRB
7 (the “*Miller* Action”), *Fehrenbach v. Dreamland Baby Co.*, No. 3:24-CV-03406-CRB (the
8 “*Fehrenbach* Action”), and *Muse v. Dreamland Baby Co.*, No. 3:24-CV-03763-CRB (the “*Muse*
9 Action”) (together, the “Related Cases”);

10 WHEREAS, the Parties, by and through their respective counsel, have conferred and agree
11 that consolidation is appropriate under Federal Rule of Civil Procedure 42(a) because the Related
12 Cases involve common questions of law or fact, and assert similar claims;

13 WHEREAS, Defendant does not oppose consolidation under Fed. R. Civ. P 42(a) while
14 expressly reserving its right to oppose class certification on any grounds;

15 WHEREAS, the Parties agree that neither this stipulation nor any resulting consolidation
16 of these actions will waive or prejudice in any respect—and Plaintiffs will not assert that
17 consolidation or this stipulation has waived or prejudiced in any respect—Defendant’s rights,
18 including without limitation, to require each Plaintiff to proceed in his or her individual capacity
19 and not in a class action;

20 WHEREAS, Plaintiffs and Defendant agree that neither this stipulation nor any resulting
21 consolidation of these actions will waive or prejudice in any respect—and Defendant will not
22 assert that consolidation or this stipulation has waived or prejudiced in any respect—Plaintiffs’
23 legal rights or defenses to maintain class proceedings;

24 WHEREAS, Plaintiffs agree to not, at any juncture in any of these Related Cases, contend
25 that this stipulation or any resulting consolidation of these actions supports any request for
26 certification of any proposed or putative class(es);

27 WHEREAS, the Parties propose, subject to Court approval, that this action proceed on the
28 following schedule:

- Plaintiffs will file a Consolidated Complaint (“Complaint”) no later than 21 days following the entry of this Stipulation consolidating the Related Cases;
- Defendant will respond to the Complaint no later than 45 days following its filing. If Defendant intends to file a motion to dismiss, the Parties agree to stipulate, subject to Court approval, to a briefing schedule on Defendant’s motion to dismiss wherein Plaintiffs shall be entitled to one amendment as a matter of right under Fed. R. Civ. P. 15(a)(1)(B);

NOW THEREFORE, the Parties through their respective counsel and subject to the Court’s approval hereby stipulate that:

1. The following actions pending in this District, and any other action arising out of the same or similar operative facts now pending or hereafter filed in, removed to, or transferred to this District shall be consolidated for all pre-trial purposes pursuant to Federal Rule of Civil Procedure 42(a) (hereafter the “Consolidated Action”):

- *Monsch v. Dreamland Baby Co.*, No. 3:24-CV-02996-CRB;
- *Miller v. Dreamland Baby Co.*, No. 3:24-CV-03379-CRB;
- *Fehrenbach v. Dreamland Baby Co.*, No. 3:24-CV-03406-CRB; and
- *Muse v. Dreamland Baby Co.*, No. 3:24-CV-03763-CRB.

Consolidation and this stipulation and order will not waive or prejudice in any respect either Parties’ rights or defenses in this litigation.

2. All papers filed in the Consolidated Action shall be filed under Case No. 3:24-CV-02996-CRB, the number assigned to the first-filed case, and must bear the following caption:

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

*IN RE DREAMLAND BABY CO. WEIGHTED
SLEEP PRODUCTS LITIGATION,*

Master File No. 3:24-CV-02996-CRB

This Document Relates To:

_____ /

3. The case file for the Consolidated Action will be maintained under Master File No. 3:24-CV-02996-CRB.

4. The Clerk is directed to administratively close the following related cases:

- *Miller v. Dreamland Baby Co.*, No. 3:24-CV-03379-CRB;
- *Fehrenbach v. Dreamland Baby Co.*, No. 3:24-CV-03406-CRB; and
- *Muse v. Dreamland Baby Co.*, No. 3:24-CV-03763-CRB.

5. Any action subsequently filed, transferred or removed to this Court that arises out of the same or similar operative facts as the Consolidated Action will be consolidated with it. The Parties shall file a Notice of Related Cases pursuant to Civil L.R. 3-12 whenever a case that should be consolidated into this action is filed in, or transferred to, this District. If the Court determines that the case is related, the clerk shall:

- a. place a copy of this Order in the separate file for such action;
- b. serve on plaintiff's counsel in the new case a copy of this Order;
- c. direct that this Order be served upon defendants in the new case; and
- d. make the appropriate entry in the Master Docket.

6. Defendant does not waive its right to oppose class certification.

7. Plaintiffs shall not, at any juncture in any of these Related Cases, contend that this stipulation or any resulting consolidation of these actions supports any request for certification of any proposed or putative class(es);

8. Initial deadlines for this consolidated action are as follows: Plaintiffs will file the Complaint no later than 21 days following the entry of this Stipulation consolidating the Related Cases. Defendant will respond to the Complaint no later than 45 days following its filing.

9. If Defendant intends to file a motion to dismiss, the Parties agree to stipulate to a briefing schedule on Defendant's motion to dismiss.

IT IS SO STIPULATED

1 DATED: July 16, 2024

By: /s/ Benjamin Heikali

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*Pro Hac Vice Application Pending

** Pro Hac Vice Application Forthcoming

21 DATED: July 16, 2024

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ATTESTATION UNDER LOCAL RULE 5-1(i)(3)

Pursuant to Civil Local Rule 5-1(i)(3), the undersigned filer hereby attests that all signatories listed, and on whose behalf the filing is submitted, concur in the filing's content, and have authorized the filing.

DATED: July 16, 2024


By: /s/ Benjamin Heikali

Benjamin Heikali

TREEHOUSE LAW, LLP

1 **PURSUANT TO STIPULATION, IT IS SO ORDERED**

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3 Date: July 17, 2024

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5 HON. CHARLES R. BREYER
6 UNITED STATES DISTRICT JUDGE
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